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EXAMINER	
PAPPAS, PETER	
ART UNIT	**PAPER NUMBER**
2671	8

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/078,372	KRAFT ET AL.	
	Examiner	Art Unit	
	Peter-Anthony Pappas	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *02 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 8 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Wells et al. (U.S. Patent No. 5, 870, 683).

3. In regards to claim 1 Wells et al. teaches a method for operating a wireless user terminal or mobile station (wireless handheld communication devices), such as a cellular telephone (column 1, lines 52-67; column 2, lines 1-5), to selectively display a plurality of graphical information sequences (animation) on a display of the wireless user terminal or mobile station (column 2, lines 13-25). The parameter animation_parameter is able to be passed to a given animation at run-time, in which the content of said parameter influences (edits) the final animation which is to be generated

(column 5, lines 35-38). When refreshed a current animation scene or frame is replaced by a next consecutive frame or scene (column 4, lines 38-42). An animation is comprised of X number of discrete images displayed at intervals of Y ms, which are selectable or fixed values (column 9, lines 61-64).

4. In regards to claims 15 and 16 the rationale disclosed in the rejection of claim 1, in regards to a cellular telephone (mobile phone), is incorporated herein, respectively.

5. In regards to claim 8 the rationale disclosed in the rejection of claim 1 is incorporated herein. It is noted that the claim preamble is not given patentable weight, because it is not incorporated in the body of the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 2, 5-7, 9, 12-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683), as applied to claims 1, 8 and 15-16, in view of Hawkins et al. (U.S. Patent No. 6, 516, 202 B1) , in further view of the GIF Construction Set Professional Manual, referred to herein as GCSPM, and the GIF Construction Set Professional Homepage , referred to herein as GCSPH. GCSPM includes references to "Introductory and Tutorial" and "Reference", which are considered part of said GCSP Manual.

8. In regards to claim 2 Wells et al. fails to explicitly teach the number of times the display of the sequence of images is to be repeated is set by the user of a handheld communications device. Hawkins et al. teaches an organizer, which runs the Palm OS, with a cellular component that allows said organizer to be coupled to a plurality of telephones for different frequencies/standards (column 2, lines 19-38). GCSPM teaches an animation software application that has a loop command, which adds a "LOOP block" to a given animation. Said "LOOP block" has an iterations argument that defines the number of times said animation will loop (Reference, page 34; Introductory Tutorial, page 4).

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to recognize a need for additional resources, such as processing power, memory storage and display area, for the modification, storage and display of animations via a cellular device, because cellular devices are considered limited in terms of hardware to the extent in which animation modification, storage and display can be performed via such a device.

It is extremely well known that a typical organizer, such as one running Palm OS, can provide more processing, storage and display resources then a cellular device, when considered at the time of the applicant's invention (official notice; see MPEP § 2144). Additionally, it is extremely well known that a typical organizer, such as one running Palm OS, as taught by Hawkins et al., is designed to support a plethora of installed applications and files that mimic or completely replicate those typically utilized by conventional desktop machines.

Thus, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to utilize an organizer with a cellular component, as taught by Hawkins et al., as a means by which to attain said additional resources for the modification, storage and display of animation, because said organizer with a cellular component would provide both said additional resources and a cellular component allowing for all of the elements taught by Well et al. to be incorporated into an improved apparatus taught by Hawkins et al.

Furthermore, it would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate additional conventional animation functions into the apparatus as taught by Hawkins et al., in regards to modifying, storing and displaying animation, such as the additional conventional animation functions taught by GCSPM, because the limitations imposed by a typical cellular device utilizing animation functions, as taught by Well et al., would be overcome and thus allow for a more advanced and complete animation experience with the limitations previously imposed.

9. In regards to claim 5 GCSPM teaches part or all of a given animation sequence, comprised of images, can be rotated, cropped, colour-adjusted or resized (Homepage, page 3). The Resize function allows for the modification of the size of one or more images in a GIF file (animation). This function only affects the selected blocks in the current document window. To apply it to all the blocks in a GIF file, click on the green "Tag All" button (Reference, pages 15, 30-31). It is noted that cropping is considered a form of resizing.

GCSPM fails to explicitly teach resizing the images into a display size being specific for an application in the handheld communication device in which the animation has to be used.

It would have been obvious to one skilled in the art, at the time of the applicant's invention, to crop or resize the images of an animation, which when combined form a completed animation, respective to a desired display size for a given display device, because through such modifications better resolution of a given area of interest could be achieved thus enhancing the viewability of said animation when displayed on said display device.

10. In regards to claim 6 the rationale disclosed in the rejection of claim 5, in regards to the "Tag All" button, is incorporated herein.

11. In regards to claim 7 the rationale disclosed in the rejection of claim 6 is incorporated herein.

12. In regards to claim 9 the rationale disclosed in the rejection of claim 2 is incorporated herein.

13. In regards to claim 12, 13 and 14 the rationale disclosed in the rejection of claims 5, 6 and 7 are incorporated herein, respectively. In regards to a picture viewer (window) GCSPH teaches that animation operations are performed in a window (Homepage, page 3, Fig. 1).

14. In regards to claim 17 it is noted that the claim preamble is not given patentable weight, because it is not incorporated in the body of the claim. Wells et al. teaches a user interface includes a conventional earphone or speaker 17, a conventional

microphone 19, a display 20, and a user input device, typically a keypad 22, all of which are coupled to the controller 18 (column 3, lines 25-28). In regards to the speeding up and the slowing down of an animation (interval between animation images) the rationale disclosed in the rejection of claim 1 is incorporated herein. Additionally, GCSPM teaches a delay option which is defined as the number of hundredths of a second between images in an animation (Reference, page 34). In regards to a loop setting the rationale disclosed in the rejection of claim 2 is incorporated herein. In regards to resizing the rationale disclosed in the rejection of claim 6 is incorporated herein. It is noted that said resizing can be performed on a pixel-by-pixel basis in which new width and depth parameter are specified for an image to be resized. GCSPM teaches plain text blocks include text which is displayed as part of your animation (Reference, page 20). It is noted that each text or image elements added to a given animation is considered a block and that the movement and final arrangement of said blocks dictate the direction of the animation composed of said elements. It is also noted previously taught functions from the GCSPM are considered to have a corresponding menu dialog in the application.

15. In regards to claim 18 the rationale disclosed in the rejection of claim 17, in regards to a cellular telephone (mobile phone), is incorporated herein.

16. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells et al. (U.S. Patent No. 5, 870, 683), as applied to claims 1, 8 and 15-16, in view of Hawkins et al. (U.S. Patent No. 6, 516, 202 B1) and GCSPM, in further view of the applicant's admitted prior art (page 8 of the Specification), referred to herein as AAPA.

17. In regards to claim 3 Wells et al., Hawkins et al. and GCSPM fail to explicitly disclose that if said number of times the display of the sequence of images is to be repeated exceeds said predetermined number, the handheld communication device only repeat the display sequence said predetermined number of times. AAPA teaches a looping parameter specified by NETSCAPE 2.0, wherein a maximum 50 loops for a given animation are displayed (Specification, page 8, Table 2).

18. It would have been obvious to one skilled in the art, at the time of the applicant's invention, to provide a means by which to interrupt a set value of repetitions, for a given animation, as disclosed by AAPA, so to allow for greater control over said animation in any of the various environments it might be used.

19. In regards to claim 4 Well et al. teaches the next time the user activates the Keyguard feature, the selected animation is automatically invoked, started and run by the controller 18 (column 8, lines 14-16).

Response to Amendment

20. Both the Specification and the Drawing objections are withdrawn in view of applicant's amendment.

21. Prior art reference 3Com has been replaced with Hawkins et al. (U.S. Patent No. 6, 516, 202 B1) and as such all remarks pertaining to 3Com are considered moot.

22. In response to applicant's argument that the software product taught by he prior art references GSCPH and GSCPM is specifically designed to go on a desktop computer or workstation, that said software product relates to the use of the "start menu" and that said references do not disclose or suggest anything related to a wireless

handheld communication device, or generating an animation by the displaying of a sequence of images in a wireless handheld communications device, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

It is considered that appropriate modifications could be made to said software product so to bring it in compliance with a plethora of other operating systems, such as the Palm OS, thus removing existing dependences, such as the use of the Windows "start menu." Furthermore, while stated to be available on CD-ROM, said product is also available for download online via the Internet, in which any need for a disk drive (i.e. CD-ROM drive) is thus made moot.

23. In regard to the new claims 15-18 their limitations are addressed in the rejections of claims 15-18, respectively, cited above in this Office Action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter-Anthony Pappas whose telephone number is 703-305-8984. The examiner can normally be reached on M-F 9:30am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on 703-305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter-Anthony Pappas
Examiner
Art Unit 2671

PAP

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